

DID THE ORIGINAL SPECIFICATION DISCLOSE OVERLAPPING, SELF-TACKING SYSTEM HEADSAILS?

DID THE ORIGINAL SPECIFICATION ADEQUATELY DISCLOSE SAIL SEGMENT LENGTH FOR ANY SYSTEM SAIL?

CONCLUSION

The answers to the two issues posed immediately above largely control whether the present Application may be placed in allowable condition without further filings. For the reasons stated above, Applicant submits that the original Specification made an enabling disclosure of all System Sail Embodiments of Amendment A including overlapping, self-tacking System Headsails, and that the original Specification made an enabling disclosure of sail segment length for all System Sail embodiments, which disclosure was restated in Amendment A, but without introducing new material.

Simply stated, the invention comprises a combination of elements, some well known, that have been used in new and unexpected ways to produce new unobvious results. As such, its patentability should not depend upon the novelty of its construction materials, per se, or upon the novelty of its underlying theoretical concepts, per se. Rather, patentability should be judged on the new uses and unexpected combinations of diverse elements, some well-known, that were employed in the conception and construction of the invention, and particularly on the unexpected results and benefits that the invention delivers.

CONDITIONAL REQUEST FOR CONSTRUCTIVE ASSISTANCE

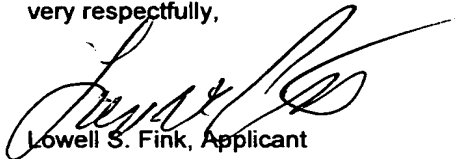
Applicant filed Amendment A of this Application in response to a demand for Election and responded to successive Office Actions to conform the Application to requirements that it be proper and definite, and that it define novel structure that is unobvious. If, for any reason this Application is not now believed to be in full condition for allowance, Applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. Sec. 2173.02 and Sec. 707.07 (j), first, as to place all or part of the Application in allowable form without further proceedings.

In the event the Examiner might find any part of the present Application still not supported by the original Specification, Applicant respectfully requests the further constructive assistance of the Examiner

- a. as to allowing the supported elements of Amendment A; a

- b. as to specifically identifying each element of the present Application that the Examiner might consider as still not supported by the original Specification; and finally,
- c. as to suggestions for placing any such element/s in allowable condition within the available filing period which period will expire six months immediately following the Nov. 14, 2003 mailing of the most recent Office Action.

very respectfully,



Lowell S. Fink, Applicant

86 Av. du Mt. Alban

Nice 06300 France

Tel/ fax: 33 493559776 Cell Phone: 33 663559616

email: ffinlow@9online.fr

Certificate of Mailing

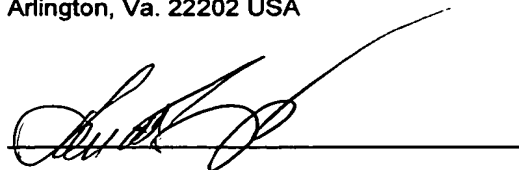
I certify that, on March 5, 2004 this document, the required fee transmittal and referenced attachments, if any, will be deposited with the French Postal Service for expedition by registered mail in an envelope addressed to:

"ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231

2201Clark Place – Crystal Plaza 4

Room 3C23 – Box DAC

Arlington, Va. 22202 USA



Lowell Fink, Applicant